

trained dog; packaging of the money in a suspicious and highly unusual manner; false statements made to the police; previous drug trafficking convictions.

Let me take just a moment, Mr. President, to answer those critics who discount the positive alert by a properly trained dog. These critics say that so much of our currency is tainted with drug residue that a positive dog alert is meaningless. Yet these critics fail to take into account the scientific evidence that shows that the drug dogs are NOT alerting to the presence of cocaine—which may or may not contaminate a large fraction of all U.S. currency. Instead, the scientific evidence shows that the dogs are alerting to methyl benzoate, a highly volatile chemical by-product of the cocaine manufacturing process that remains on the currency only for a short period of time. The bottom line is that the dogs are alerting only to money that has recently, or just before packaging, been in close proximity to a significant amount of cocaine. This research explains why these dogs do not routinely alert to currency.

To repeat: These clearly defined circumstances in my bill are safeguards to protect the innocent. More important, my bill establishes only a presumption that the money is drug money. Individuals have every opportunity to rebut the government's claim and get their money back. Criminals, however, will no longer be able to play dumb and recover their drug money without having to provide an explanation of where that money came from.

To those critics who maintain that my bill violates the rights of innocent citizens, let me say loud and clear: My bill takes effect only AFTER a determination has been made that the money in question is from an illegal source. This is how the process works.

A police officer or federal agent assigned to an airport task force seizes the money of a traveler based on "probable cause." The traveler, for example, has exhibited suspicious, counter-surveillance behavior, such as signaling to seemingly unrelated travelers who, in fact, are traveling with him. He has concealed a large quantity of money in his carry-on bag along with odor-disguising items like fabric softener sheets to throw off the drug dog. He produces a fake ID and offers a false explanation for the money. Someone whose name he doesn't remember packed the bag, and he had no idea there was any money in it.

Let me repeat: There must be probable cause for the government to seize the money. Once the money is seized, notice of the seizure must be published in the newspaper on three successive weeks and direct notice must be given, in writing, to the person from whom the money was seized as well as to any other person known to have a potential legal interest. The notice explains the procedure for filing a claim to the money. In 85 percent of all federal

cases, no one files a claim. To my critics, let me repeat: In 85 percent of the cases, the individual never contests the seizure.

If an individual does file a claim, the agency which has seized the money must refer the case to the United States Attorney, who then makes an independent determination of the merits of the case. If the U.S. Attorney does not believe the government can establish that the money was drug proceeds, the case is rejected and the money is returned. On the other hand, if the U.S. Attorney believes the case has merit, he or she must file a civil forfeiture complaint in federal district court. The claimant is granted a certain number of days to renew his claim and file an answer to the government's complaint.

The case is then litigated in the district court. In each and every case, the burden of proof is on the government. In each and every case, the government has the burden of establishing—to the satisfaction of the district court—that there is probable cause to believe that the money is drug money and therefore subject to forfeiture. Only if the government successfully overcomes this hurdle is the case scheduled for a jury trial where the claimant is required to offer his explanation for the legitimate source of the money. If the jury accepts this explanation, and the government is unable to rebut it with admissible evidence, the claimant will prevail and will recover the money. Otherwise, the court will enter judgment for the government and order the forfeiture of the money.

Mr. President, the federal forfeiture laws are carefully written to provide due process to the innocent and the guilty alike. My bill conforms to these high standards while closing a legal loophole that benefits only the guilty. In the court cases which my bill addresses, the cases are dismissed before the claimant ever has to go before a jury to explain the source of the money. My bill addresses this problem by creating a presumption that if certain factors are present, the money is drug proceeds, and thereby allows the case to move forward to the next stage.

To those who have expressed concern with the concept of rebuttable presumption, let me emphasize this fact: The presumption does not lead inevitably to the forfeiture of the money. Its role is only to force the claimant to come forward with an explanation for a legitimate source of the money. Therefore, my bill in no way infringes upon a property owner's rights under law.

To those who have expressed concern over the possible impact of my bill, let me cite these facts. In fiscal year 1995—a time period prior to most of the court decisions which have limited the use of drug asset seizures—the FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service made 35,000 seizures of forfeitable property. Of the 35,000 cases, more than 85 percent were uncontested. Of the

5,250 contested cases, the U.S. Attorney declined to prosecute 3,057. Of the 2,193 complaints filed, the government lost in only 48 cases. These statistics are similar for the prior three years. There is therefore little evidence of actual abuses of drug asset forfeitures in the past, and there is even less likelihood of such abuses under the enhanced safeguards in my proposal.

In closing, let me state once again: The Drug Currency Forfeitures Act goes after drug money only. Drug trafficking is a business, and drug traffickers are in this business for one reason—money. Their multi-billion-dollar war chests allow drug lords to have some of the world's most sophisticated airplanes, boats, and communications equipment. Because of their war chests, drug cartels possess weapons in quantities that rival the capabilities of some legitimate governments. If we want to make our streets safer, if we hope to make our children's lives drug-free, it is not enough just to apprehend the drug trafficker. Throw the drug kingpin in jail, and he continues his drug operations from behind prison walls. As evidence, just look at the leaders of the most powerful international organized crime group in history—Colombia's notorious Cali cartel. Even now, the Rodriguez-Orejuela brothers are able to run their drug trafficking business from prison through the use of private quarters and telephones.

Critics of my proposal talk about the need to protect innocent victims. If we want to talk about innocent victims, look at the children who are being sold drugs at increasingly younger ages. Mr. President, I'm proud to be the sponsor of the Drug Currency Forfeitures Act. It hits the drug cartels where it hurts the most—their wallets. The ability of law enforcement to confiscate drug money hinges on the government's ability to prove that the money is drug proceeds, and not the proceeds of some other form of unlawful activity.

My bill is endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, and the Federal Law Enforcement Officers Association. The Drug Currency Forfeitures Act closes a legal loophole that benefits only the guilty. At the same time, it upholds the Constitution's Fourth Amendment, which protects the innocent against unlawful searches and seizures. I worked very closely with the Department of Justice in crafting this legislation. It is a positive—and needed—step forward, and at the appropriate time I urge my colleagues to support this measure.●

#### SENATE QUARTERLY MAIL COSTS—THIRD QUARTER

● Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101-510 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from

the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the third quarter of FY98 to be printed in the

RECORD. The third quarter of FY98 covers the period of April 1, 1998 through June 30, 1998. The official mail allocations are available for frank mail costs,

as stipulated in Public Law 105-55, the Legislative Branch Appropriations Act of 1998.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/98

Senators	FY98 Official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	\$112,359	850	0.00009	\$217.88	\$0.00002
Akaka	34,512	0	0	0.00	
Allard	62,250	0	0	0.00	
Ashcroft	76,766	0	0	0.00	
Baucus	33,725	0	0	0.00	
Bennett	40,632	0	0	0.00	
Biden	31,373	0	0	0.00	
Bingaman	41,065	0	0	0.00	
Bond	76,766	0	0	0.00	
Boxer	299,774	0	0	0.00	
Breaux	65,447	0	0	0.00	
Brownback	48,952	0	0	0.00	
Bryan	41,146	0	0	0.00	
Bumpers	50,032	0	0	0.00	
Burns	33,725	33,832	0.04106	30,597.92	0.03713
Byrd	42,197	0	0	0.00	
Campbell	62,260	0	0	0.00	
Chafee	33,982	0	0	0.00	
Cleland	93,914	0	0	0.00	
Coats	78,470	0	0	0.00	
Cochran	49,853	0	0	0.00	
Collins	37,296	0	0	0.00	
Conrad	30,599	0	0	0.00	
Coverdell	93,914	0	0	0.00	
Craig	35,335	1,275	0.00119	436.67	0.00041
D'Amato	182,405	0	0	0.00	
Daschle	31,250	0	0	0.00	
DeWine	129,502	0	0	0.00	
Dodd	55,328	0	0	0.00	
Domenici	41,065	0	0	0.00	
Dorgan	30,599	926	0.00146	220.39	0.00035
Durbin	127,523	1,540	0.00013	1,226.99	0.00011
Enzi	29,313	0	0	0.00	
Faircloth	98,546	0	0	0.00	
Feingold	72,344	0	0	0.00	
Feinstein	299,774	0	0	0.00	
Ford	62,013	0	0	0.00	
Frist	75,654	0	0	0.00	
Glenn	129,502	0	0	0.00	
Gorton	78,894	3,600	0.00070	734.26	0.00014
Graham	179,546	0	0	0.00	
Gramm	199,231	2,300	0.00013	813.63	0.00005
Grams	67,502	25,501	0.00569	10,164.43	0.00227
Grassley	51,340	0	0	0.00	
Gregg	35,844	0	0	0.00	
Hagel	40,141	0	0	0.00	
Harkin	51,340	0	0	0.00	
Hatch	40,632	0	0	0.00	
Helms	98,546	0	0	0.00	
Hollings	60,001	0	0	0.00	
Hutchinson	50,032	0	0	0.00	
Hutchison	199,231	0	0	0.00	
Inhofe	58,636	0	0	0.00	
Inouye	34,512	0	0	0.00	
Jeffords	30,350	0	0	0.00	
Johnson	31,250	0	0	0.00	
Kempthorne	35,335	0	0	0.00	
Kennedy	81,449	0	0	0.00	
Kerrey	40,161	0	0	0.00	
Kerry	81,449	635	0.00011	589.92	0.00010
Kohl	72,344	0	0	0.00	
Kyl	68,104	0	0	0.00	
Landrieu	65,447	0	0	0.00	
Lautenberg	95,810	0	0	0.00	
Leahy	30,350	7,316	0.01284	4,824.19	0.00846
Levin	112,359	0	0	0.00	
Lieberman	55,328	0	0	0.00	
Lott	49,853	0	0	0.00	
Lugar	78,470	0	0	0.00	
Mack	179,546	0	0	0.00	
McCain	68,104	3,949	0.00103	3,158.62	0.00082
McConnell	62,013	0	0	0.00	
Mikulski	72,320	0	0	0.00	
Moseley-Braun	127,523	0	0	0.00	
Moyihan	182,405	4,550	0.00025	1,053.92	0.00006
Murkowski	30,301	366,400	0.62419	56,009.25	0.09542
Murray	78,894	0	0	0.00	
Nickles	58,636	0	0	0.00	
Reed	33,982	0	0	0.00	
Reid	41,146	1,363	0.00103	1,070.03	0.00081
Robb	86,917	0	0	0.00	
Roberts	48,952	0	0	0.00	
Rockefeller	42,197	27,339	0.01509	6,395.34	0.00353
Roth	31,373	0	0	0.00	
Santorum	137,173	1,069	0.00009	901.69	0.00008
Sarbanes	72,320	0	0	0.00	
Sessions	66,267	0	0	0.00	
Shelby	66,267	0	0	0.00	

## SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/98—Continued

Senators	FY98 Of- ficial mail allo- cation	Total pieces	Pieces per cap- ita	Total cost	Cost per capita
Smith, Gordon .....	56,470	1,219	0.00041	1,123.92	0.00038
Smith, Robert .....	35,844	0	.....	0.00	.....
Snowe .....	37,296	0	.....	0.00	.....
Specter .....	137,173	0	.....	0.00	.....
Stevens .....	30,301	0	.....	0.00	.....
Thomas .....	29,313	0	.....	0.00	.....
Thompson .....	75,654	0	.....	0.00	.....
Thurmond .....	60,001	0	.....	0.00	.....
Torricelli .....	95,810	0	.....	0.00	.....
Warner .....	86,917	0	.....	0.00	.....
Wellstone .....	67,502	0	.....	0.00	.....
Wyden .....	56,470	655	0.00022	231.89	0.00008•

SENATE QUARTERLY MAIL  
COSTS—FOURTH QUARTER

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail

allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of FY98 to be printed in the RECORD. The fourth quarter of FY98 covers the period of July 1, 1998,

through September 30, 1998. The official mail allocations are available for frank mail costs, as stipulated in Public Law 105-55, the Legislative Branch Appropriations Act of 1998.

The material follows:

## SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/98

Senators	FY98 offi- cial mail allocation	Total pieces	Pieces per cap- ita	Total cost	Cost per capita
Abraham .....	\$112,359	0	.....	\$0.00	.....
Alaska .....	34,512	0	.....	0.00	.....
Allard .....	62,250	0	.....	0.00	.....
Ashcroft .....	76,766	0	.....	0.00	.....
Baucus .....	33,725	1,113	0.00135	887.63	\$0.00108
Bennett .....	40,632	0	.....	0.00	.....
Biden .....	31,373	0	.....	0.00	.....
Bingaman .....	41,065	0	.....	0.00	.....
Bond .....	76,766	0	.....	0.00	.....
Boxer .....	299,774	189,826	0.00615	152,219.40	0.00493
Breaux .....	65,447	0	.....	0.00	.....
Brownback .....	48,952	0	.....	0.00	.....
Bryan .....	41,146	60,000	0.04521	6,851.98	0.00516
Bumpers .....	50,032	0	.....	0.00	.....
Burns .....	33,725	1,105	0.00134	879.25	0.00107
Byrd .....	42,197	0	.....	0.00	.....
Campbell .....	62,250	0	.....	0.00	.....
Chafee .....	33,982	0	.....	0.00	.....
Cleland .....	93,914	0	.....	0.00	.....
Coats .....	78,470	0	.....	0.00	.....
Cochran .....	49,853	0	.....	0.00	.....
Collins .....	37,296	0	.....	0.00	.....
Conrad .....	30,599	0	.....	0.00	.....
Coverdell .....	93,914	0	.....	0.00	.....
Craig .....	35,335	735	0.00069	151.10	0.00014
D'Amato .....	182,405	0	.....	0.00	.....
Daschle .....	31,250	0	.....	0.00	.....
DeWine .....	129,502	0	.....	0.00	.....
Dodd .....	55,328	0	.....	0.00	.....
Domenici .....	41,065	0	.....	0.00	.....
Dorgan .....	30,599	1,978	0.00311	1,402.19	0.00220
Durbin .....	127,523	0	.....	0.00	.....
Enzi .....	29,313	0	.....	0.00	.....
Faircloth .....	98,546	0	.....	0.00	.....
Feingold .....	72,344	0	.....	0.00	.....
Feinstein .....	299,774	0	.....	0.00	.....
Ford .....	62,013	0	.....	0.00	.....
Frist .....	75,654	0	.....	0.00	.....
Glenn .....	129,502	0	.....	0.00	.....
Gorton .....	78,894	321,320	0.06256	54,565.00	0.01062
Graham .....	179,546	0	.....	0.00	.....
Gramm .....	199,231	0	.....	0.00	.....
Grams .....	67,502	5,165	0.00115	4,074.66	0.00091
Grassley .....	51,340	282,160	0.10034	51,420.04	0.01829
Gregg .....	35,844	0	.....	0.00	.....
Hagel .....	40,141	0	.....	0.00	.....
Harkin .....	51,340	0	.....	0.00	.....
Hatch .....	40,632	0	.....	0.00	.....
Helms .....	98,546	0	.....	0.00	.....
Hollings .....	60,001	0	.....	0.00	.....
Hutchinson .....	50,032	0	.....	0.00	.....
Hutchison .....	199,231	0	.....	0.00	.....
Inhofe .....	58,636	0	.....	0.00	.....
Inouye .....	34,512	0	.....	0.00	.....
Jeffords .....	30,350	34,910	0.06125	6,977.43	0.01224
Johnson .....	31,250	50,480	0.07100	8,980.40	0.01263
Kempthorne .....	35,335	0	.....	0.00	.....
Kennedy .....	81,449	0	.....	0.00	.....
Kerrey .....	40,161	0	.....	0.00	.....
Kerry .....	81,449	0	.....	0.00	.....
Kohl .....	72,344	0	.....	0.00	.....
Kyl .....	68,104	0	.....	0.00	.....
Landrieu .....	65,447	0	.....	0.00	.....
Laufenberg .....	95,810	0	.....	0.00	.....
Leahy .....	30,350	0	.....	0.00	.....
Levin .....	112,359	2,250	0.00024	434.15	0.00005
Lieberman .....	55,328	0	.....	0.00	.....
Lott .....	49,853	0	.....	0.00	.....
Lugar .....	78,470	0	.....	0.00	.....
Mack .....	179,546	0	.....	0.00	.....
McCain .....	68,104	23,222	0.00606	18,281.89	0.00477
McConnell .....	62,013	0	.....	0.00	.....
Mikulski .....	72,320	12,600	0.00257	2,282.23	0.00047
Moseley-Braun .....	127,523	0	.....	0.00	.....
Moynihan .....	182,405	0	.....	0.00	.....
Murkowski .....	30,301	0	.....	0.00	.....